

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BONNIE MARCUS and ROMAN
WYPART,

Plaintiffs,

v.

PQ CORPORATION,

Defendant.

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CIVIL ACTION NO.: 07-02075

Hon. John P. Fullam

DEFENDANT'S OBJECTIONS TO PLAINTIFFS' FINAL TRIAL EXHIBIT LIST

Defendant PQ Corporations submits the following objections to Plaintiffs' Final Trial List, with the understanding that all objections relating to relevancy under Fed. R. Evid. 402 are reserved for trial. PQ reserves the right to raise additional objections based on the reasons presented by Plaintiffs for introducing any particular exhibit, and lack of foundation.

Plaintiffs' Exhibit No.	Description	Exhibit Is Inadmissible Under The Following Fed. R. Evid.
P- 1	Dep. Ex. P-1 PQBM 224-232	
P-2	Dep. Ex. P-2 PQBM 2686-2690	
P-3	Dep. Ex. P-3 PQBM 233-236	

P-3A	Dep. Ex. P-3A PQBM 18	
P-3D	Dep. Ex. P-3D PQBM 9410-9414	
P-4	Dep. Ex. P-4 PQBM 9416-9419	
P-4A	Dep. Ex. P-4A PQBM 9761-9762	
P-4B	Dep. Ex. P-4B PQBM 54-55	
P-4C	Dep. Ex. P-4C PQBM 9881-9884	
P-6	Dep. Ex. P-6 PQBM 246-258	
P-7	Dep. Ex. P-7 PQBM 9763	
P-8	Dep. Ex. P-8 PQBM 9764-9770	
P-8B	Dep. Ex. P-8B PQBM 11777-11778	
P-11	Dep. Ex. P-11 PQBM 109	
P-12	Dep. Ex. P-12 PQBM 6380	
P-13	PQBM 838-46	
P-16	Dep. Ex. P-16 PQBM 11567-11576	
P-19B	Dep. Ex. P-19B PQBM 13038-13040	

P-20	Dep. Ex. P-20 PQBM 9789	
P-21	Dep. Ex. P-21 PQBM 10541	
P-21B	Dep. Ex. P-21B PQBM 6291-6321	
P-25	Dep. Ex. P-25 PQBM 21	
P-26	Dep. Ex. P-26 PQBM 11912	
P-27	Dep. Ex. P-27 PQBM 22	
P-28	Dep. Ex. P-28 PQBM 23-29	
P-29	Dep. Ex. P-29 PQBM 10548	
P-30	Dep. Ex. P-30 PQBM 9790-9796	
P-32	Dep. Ex. P-32 PQBM 30-31	Rule 802
P-32A	PQBM 32-35	
P-33	Dep. Ex. P-33 PQBM 10049-10054	
P-34	Dep. Ex. P-34 PQBM 4790	
P-35	Dep. Ex. P-35 PQBM 4797	
P-35A	Dep. Ex. P-35A PQBM 7246-7250	

P-37	Dep. Ex. P-37 PQBM 7208-7210	
P-38	Dep. Ex. P-38 PQBM 9150-9151	
P-42B	Dep. Ex. P-42B PQBM 11781	
P-42D	Dep. Ex. P-42D PQBM 6287	
P-42E	Dep. Ex. P-42E PQBM 12896	
P-45	Dep. Ex. P-45 PQBM 38	
P-46	Dep. Ex. P-46 PQBM 113	
P-49A	PQBM-012814	
P-49C	Dep. Ex. P-49C	Rule 408
P-50A	Dep. Ex. P-50A Wypart 0608-0609	Rule 402, 403
P-51	Dep. Ex. P-51 PQBM 703-707	Rule 403
P-52	Dep. Ex. P-52 Plaintiffs 0004	Rule 403
P-53	Dep. Ex. P-53 PQBM 4337-4344	Rule 403
P-54	Dep. Ex. P-54 PQBM 4297-4302	Rule 403
P-55	Dep. Ex. P-55 PQBM 4791-4796	

P-56	Dep. Ex. P-56 PQBM 218-222	Rule 403 as to page PQBM 218-219
P-60	Dep. Ex. P-60 PQBM 2715	
P-62	Dep. Ex. P-62 PQBM 5436	
P-72	Dep. Ex. P-72 PQBM 15	
P-78	Dep. Ex. P-78 Plaintiffs 0425-445	Rule 403, Rule 402 as to Pl. 429-438
P-80	Dep. Ex. P-80 PQBM 212-215	Rule 403 as to PQBM 212-13
P-82	Dep. Ex. P-82 Callaghan 106-107	
P-83	Dep. Ex. P-83 PQBM 4353	
P-84	Dep. Ex. P-84 PQBM 4354-4360	
P-85	Dep. Ex. P-85 PQBM 4361	
P-86	Dep. Ex. P-86	Rule 403.
P-87	Dep. Ex. P-87 PQBM 4994	Rule 403.
P-88	Dep. Ex. P-88 PQBM 4289-4294	Rule 402, 403
P-89	Dep. Ex. P-89 PQBM 11258-11260	Rule 402, 403
P-91	Dep. Ex. P-91 PQBM 4286-4288	Rule 402, 403

P-98	Dep. Ex. P-98 PQBM 12659-12660	Rule 403
P-99	Dep. Ex. P-99 PQBM 11497-11501	Rule 403
P-100	Dep. Ex. P-100 PQBM 13694-13702	Rule 403
P-101	Dep. Ex. P-101 PQBM 12338-12340	Rule 402, 403
P-103	Dep. Ex. P-103 PQBM 13599	Rule 402, 403
P-106	Dep. Ex. P-106 Callaghan 02915	Rule 402, 403
P-109	Dep. Ex. P-109 PQBM 6014-6015	Rule 402, 403
P-110	Dep. Ex. P-110 PQBM 5997-5998	Rule 402, 403
P-111	Dep. Ex. P-111 PQBM 2854-2855	Rule 402, 403
P-112	Dep. Ex. P-112 PQBM 2856-2857	Rule 402, 403
P-113	Dep. Ex. P-113 PQBM 7889-7891 PQBM 8411-8418 PQBM 9306	Rule 403 (contains multiple, unrelated documents)
P-114	Dep. Ex. P-114 PQBM 620-625 PQBM 7889-7891 PQBM 8411-8418 PQBM 11255-11256 PQBM 11297-11298	Rule 403 (contains multiple, unrelated documents)

	PQBM 11299-11303 PQBM 11304 PQBM 11497-11501	
P-114A	Dep. Ex. P-114A PQBM 12708-12711 PQBM 13599 PQBM 13598 PQBM 13627-13628 PQBM 13632-13658 PQBM 13627-13628 PQBM 12579-12582 PQBM 12575-12578	Rule 403 (contains multiple unrelated documents)
P-115	Dep. Ex. P-115 PQBM 12330- 2337	Rule 403
P-116	Dep. Ex. P-116 PQBM 12759- 2762	
P-131	Dep. Ex. P-131 PQBM 7895	
P-134	Dep. Ex. P-134 Myszak 002-003	Rules 402, 403, and 802
P-137	Dep. Ex. P-137 Myszak 006	Rules 402, 403, and 802
P-139	Dep. Ex. P-139 Myszak 008	Rules 402, 403, and 802
P-143	Dep. Ex. P-143 Myszak 019-021	Rules 402, 403, and 802
P-144	Dep. Ex. P-144 Myszak 022	Rules 402, 403, and 802
P-145	Dep. Ex. P-145 Myszak 023-031	Rules 402, 403, and 802, authenticity
P-148	Dep. Ex. P-148	Rules 402 and 403

P-149	Dep. Ex. P-149 PQBM 013972-014120	Rules 402, 403, and 802
P-150	Dep. Ex. P-150 PQBM 013932-013944	Rules 402 and 403
P-151	Dep. Ex. P-151 PQBM 013966-013971	Rule s 402 and 403
P-152	Dep. Ex. P-152 PQBM 013945-013965	Rules 402 and 403
P-153	Dep. Ex. P-153 PQBM 014121-014146	Rule s 402 and 403
P-154	Dep. Ex. P-154	Rules 403 and 802
P-155	PQBM 13797-13931	Rules 402 and 403
P-160	Dep. Ex. D-6 Wypart 204	Rules 402 and 403
P-161	Dep. Ex. D-11 Wypart 608-609	Rules 402, 403 and 802
P-162	Dep. Ex. D-12 Wypart 605	Rules 402, 403 and 802
P-163	Dep. Ex. D-13 Wypart 606-607	Rules 402, 403, and 802
P-164	Dep. Ex. D-24 Wypart 422	Rule 802
P-165	Dep. Ex. D-25 Wypart 565-566 and additional page	Rule 802
P-166	Dep. Ex. D-30 Wypart 806	
P-167	Dep. Ex. D-39 Wypart 674-677	
P-172	Dep. Ex. D-95 Senderov 42-43	Rules 402 and 403

P-177	Dep. Ex. D-131 Marcus 563-564	Rule 403, Rule 802
P-178	Dep. Ex. D-146 PQBM 118	Rule 802
P-179	Dep. Ex. D-151 Marcus 1852	Rule 802
P-180	Dep. Ex. D-157 Marcus 1525-1527	Rule 802
P-181	PQBM 14298-14300	
P-182	PQBM 11577-11738	
P-183	PQBM 7218	
P-184	PQBM 13872-13875	
P-186	PQBM 6724	Rule 402, 403
P-187	PQBM 4341	Rule 403
P-188	PQBM 13632-13658	Rules 402 and 403
P-189	Plaintiffs' Complaint	Rules 403 and 802
P-190	Defendant's Answer to Complaint	Rule 403
P-191	Def's Responses to Marcus' First Interrogatories	Rules 402 and 403
P-192	Def's Responses to Marcus' Second Interrogatories	Rules 402 and 403
P-193	Def's Supp. Responses to Marcus' First Interrogatories	Rules 402 and 403
P-194	Def's Second Supp. Responses to Marcus' First Interrogatories	Rules 402 and 403
P-195	Def's Answers to Marcus' Third Interrogatories	Rule 403
P-196	Def's Third Supp. Responses to Marcus' First Interrogatories	Rule 403

P-197	Def's Supp. Answers to Marcus' Interrogatory Nos. 17 and 24	Rule 403
P-198	Def's Amended Supp. Answers to Marcus' Interrogatory Nos. 17 and 24	Rule 403
P-199	Def's Amended Third Supp. Answers to Marcus' First Interrogatories	Rule 403, except as to response to interrogatory 13
P-200	Def's Responses to Wypart's First Interrogatories	Rules 402 and 403
P- 201	Def's Responses to Wypart's Second Interrogatories	Rules 402 and 403
P- 202	Def's Supp. Responses to Wypart's First Interrogatories	Rules 402 and 403
P- 203	Def's Amended Responses to Wypart's Second Interrogatories	Rules 402 and 403
P- 204	Def's Answers to Wypart's Third Interrogatories	Rules 402 and 403
P- 205	Def's Second Supp. Responses to Wypart's First Interrogatories	Rules 402 and 403
P- 206	Def's Third Supp. Response to Wypart's First Interrogatories	Rules 402 and 403
P- 207	Def's Responses to Senderov's First Interrogatories	Rules 402 and 403
P- 208	Def's Responses to Senderov's Second Interrogatories	Rules 402 and 403
P- 209	Def's Supp. Responses to Senderov's First Interrogatories	Rules 402 and 403
P- 210	Def's Answers to Senderov's Third Interrogatories	Rules 402 and 403
P- 211	Def's Answers to Senderov's Fourth Interrogatories	Rules 402 and 403
P- 212	Def's Supp. Answers to Senderov's Interrogatory Nos. 23 and 24	Rules 402 and 403

P- 213	Def s Responses to Callaghan's First Interrogatories	Rules 402 and 403
P- 214	Def s Responses to Callaghan's Second Interrogatories	Rules 402 and 403
P- 215	Def s Supp. Responses to Callaghan's First Interrogatories	Rules 402 and 403
P- 216	Def s Second Supp. Responses to Callaghan's First Interrogatories	Rules 402 and 403
P- 217	Def s Answers to Callaghan's Third Interrogatories	Rules 402 and 403
P- 218	Def s Supp. Answers to Callaghan's Interrogatory Nos. 21 and 23	Rule 403, except as to response to Interrogatory No. 23
P- 219	Def s Amended Supp. Answers to Callaghan's Interrogatory No. 21	Rules 402 and 403
P- 220	Def s Responses to Plaintiff s First Document Requests	Rules 402 and 403
P- 221	Def s Response to Plaintiffs' Second Document Requests	Rules 402 and 403
P- 222	Def s Responses to Plaintiffs' Third Document Requests	Rules 402 and 403
P- 223	Def s Supp. Responses to Plaintiffs' First Document Request	Rules 402 and 403
P- 224	Def s Response to Plaintiffs' Fourth Document Request	Rules 402 and 403
P- 225	Def s Responses to Plaintiffs' Fifth Document Requests	Rules 402 and 403
P- 226	Def s Responses to Plaintiffs' Sixth Document Requests	Rules 402 and 403
P- 227	Damages (Verzilli) Expert Charts - Marcus	
P- 228	Damages (Verzilli) Expert Charts - Wypart	
P- 231	Statistical (Dr. Thomas) Expert Table 1	Rules 402, 403, 702 and 802

P- 232	Statistical (Dr. Thomas) Expert Table 2	Rules 402, 403, 702 and 802
P- 233	Statistical (Dr. Thomas) Expert Table 3	Rules 402, 403, 702 and 802
P- 234	Statistical (Dr. Thomas) Expert Table 4	Rules 402, 403, 702 and 802
P- 235	Statistical (Dr. Thomas) Expert Table 4A	Rules 402, 403, 702 and 802
P- 236	Statistical (Dr. Thomas) Expert Table 4B	Rules 402, 403, 702 and 802
P- 237	Statistical (Dr. Thomas) Expert Table 5	Rules 402, 403, 702 and 802
P- 238	Statistical (Dr. Thomas) Expert Table 6	Rules 402, 403, 702 and 802
P- 239	Statistical (Dr. Thomas) Expert Exhibit A	Rules 402, 403, 702 and 802
P- 240	Statistical (Dr. Thomas) Expert Exhibit B	Rules 402, 403, 702 and 802
P- 241	Statistical (Dr. Thomas) Expert Exhibit C	Rules 402, 403, 702 and 802
P- 242	Statistical (Dr. Thomas) Expert Exhibit CI	Rules 402 403, 702 and 802
P- 243	Marcus Salary Actions	
P- 244	Senderov Salary Actions	Rules 402 and 403
P- 245	Wypart Salary Actions	
P- 246	Marcus Mitigation Documents	Rules 403 and 802
P- 248	Wypart Mitigation Documents	Rules 403 and 802
P- 250	Marcus Damages Documents	
P- 252	Wypart Damages Documents	
P- 254	Verzilli Damages Documents	
P-255	Continuation of Research Projects	Rule 403, Rule 1006
P-255A	Supporting Documents to Exhibit 255	Rules 402, 403, and 802
P-255B	Supporting Documents to Exhibit 255	Rules 402, 403, and 802
P-255C	Supporting Documents to Exhibit 255	Rules 402, 403, and 802

P-255D	Supporting Documents to Exhibit 255	Rules 402, 403, and 802
P-255E	Supporting Documents to Exhibit 255	Rules 402, 403, and 802
P-255F	Supporting Documents to Exhibit 255	Rules 402, 403, and 802
P-255G	Supporting Documents to Exhibit 255	Rules 402, 403, and 802
P-256	Members of CD Group (2005) (Uncontested Employees Only)	
P-256A	Supporting Documents to Exhibit 256	Rule 403
P-257	Members of CD Group (2005) (Based on Contemporaneous Documents and PQ Interrogatory Answers)	Rule 403, Rule 1006
P-257A	Supporting Documents to Exhibit 257	Rule 403
P-258	Employees Funded Through CD Funds (2005) (Uncontested Employees Only)	Rule 403, Rule 1006
P-258A	Supporting Documents to Exhibit 258	Rule 403
P-259	Employees Funded Through CD Funds (2005) (Based on Contemporaneous Documents and PQ Interrogatory Answers)	Rule 403, Rule 1006
P-259A	Supporting Documents to Exhibit 259	Rule 403, Rule 1006
P-260	Members of Exploratory Research Group (Pre-RIF, 2005) (By Cost Center 458900)	Rule 403, Rule 1006
P-260A	Supporting Documents to Exhibit 260	Rule 403
P-261	Members of Exploratory Research Group (Pre-RIF, 2005) ("Colloquial" Per PQ Amended Response to Marcus Interrogatory #14)	Rule 403, Rule 1006
P-261A	Supporting Documents to Exhibit 261	Rules 402, 403 802
P-262	R&D Employees (2005) Sorted by Salary	Rules 402, 403, and 1006
P-262A	Supporting Documents to Exhibit 262	Rules 402 and 403
P-263	R&D Employees (2005) Sorted by Age	Rule 403, Rule 1006

P-263A	Supporting Documents to Exhibit 263	Rule 403, Rule 802
P-264	R&D Employees Assigned to Research Projects (Pre-RIF 2005)	Rule 403, Rule 1006
P-264A	Supporting Documents to Exhibit 264	Rules 402 and 403
P-265	Brief in Support of Defendant's Motion in Limine	Rules 402 and 403
P-266	Defendant PQ Corporation's Response to Plaintiffs' Motion to Compel Production of Documents and Responses to Interrogatories	Rules 402 and 403
P-267	Defendant's Response to Plaintiffs' Motion to Compel Statistical Information or in the Alternative to Preclude Arguments Regarding the Insufficiency or Weight Based Thereon	Rules 402 and 403
P-268	Defendant PQ Corporation's Response to Plaintiffs' Partial Renewed First Motion to Compel and Second Motion to Compel	Rules 402 and 403
P-269	5/11/2007 Letter from Scott B. Goldshaw to Ms. Karen McDonough re EEOC documents	Rules 402, 403 and 802
P-270	5/21/2007 Letter from Scott B. Goldshaw to Ms. Karen McDonough re EEOC documents	Rules 402, 403, Rule 802
P-271	Defendant's Brief in Support of Their Motion for Summary Judgment 4/8/09	Rule 403
P-272	Defendant's Reply to Plaintiffs' Response to Defendant's Motion for Summary Judgment 6/9/09	Rule 403
P-273	6/1/2005 Callaghan email - Callaghan 02185	
P-274	PQBM 223 EEO Policy	
P. 274	PQBM 101, Announcement of Acquisition by JP Morgan Partners	

P. 276	PQBM 99 - PQ to pursue strategic alternatives	
P. 277	PQBM 6804 Myszak Personnel Action form	
P. 278	PQBM 6802 - Myszak Personnel Action form	
P. 279	PQBM 7068 - Connolly Personnel Action form	
P. 280	PQBM 10129-48. ZI Budget	Rules 402 and 403
P. 281	Exhibit from First Trial	Rules 402 and 403
P. 282	Decision from Westlaw	Rules 402, 403, 802
P. 283	Decision From Westlaw	Rules 402, 403, 802
P. 284	Excerpts from Deposition of Michael Boyce	Rules 402, 403
P. 285	Excerpts from deposition of John Lau	Rules 402 and 403
P. 286	EEOC Position Statement for Marcus	Rules 402 and 403
P. 287	EEOC Position Statement for Wypart	Rules 402 and 403
P. 288	Def. Second Supp. Respond to Marcus First Set of Interrogatories	Rules 402 and 403
P. 289	Def. Amended Supplemental Responses to Marcus Int. 17 and 24	Rules 402 and 403
P. 290	Def. Supp. Response to Wypart Inter.	Rules 402 and 403
P. 291	Def. Supp. Response to Senderov Inter.	Rules 402 and 403
P. 292	Def. Supp. Response to Callaghan Inter. 21 and 23	Rules 402 and 403
P. 293	Tickner separation agreement	Rules 402, 403 and 408
P. 294	Labor Statistics	Rules 402 and 403
P. 295	Labor Statistics	Rules 402 and 403
P. 296	Labor Statistics	Rules 402 and 403
P. 297	Labor Statistics	Rules 402 and 403

P. 298	Labor Statistics	Rules 402 and 403
P. 299	PQBM 9121-144 Cost Centers	Rules 402 and 403
P. 300	Personnel Action Form - Slobogin	Rules 402 and 403
P. 301	Personnel Action Form - Tickner	Rule 402 and 403

Respectfully submitted,

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 PQ Corporation

Dated: October 28, 2009

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of October, 2009, I caused a true and correct copy of the foregoing Defendant's Objections to Plaintiffs' Final Trial Exhibit List to be filed via the Office Court Electronic Document Filing System, and that said Response is available for viewing and downloading from the ECF system. By virtue of this filing, service is complete upon the following:

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